

MAR 29 2005

STATE OF ARIZONA
DEPARTMENT OF INSURANCE

DEPT OF INSURANCE
BY CB

In the Matter of:

LUKE DALE

Respondent.

No. 05A-041- INS

CONSENT ORDER

The State of Arizona Department of Insurance ("Department") has received evidence that Luke Dale ("Respondent") violated provisions of Title 20, Arizona Revised Statutes. Respondent wishes to resolve this matter without the commencement of formal proceedings, and admits the following Findings of Fact are true and consents to entry of the following Conclusions of Law and Order.

FINDINGS OF FACT

1. Luke Dale is, and was at all material times, licensed as a resident accident/health & life insurance producer, Arizona license number 12566, which license expires November 30, 2005.

2. At all material times, Respondent conducted business under the assumed name of Design Benefit Plans, which he failed to register with the Department.

3. Between December 10, 2004 and January 21, 2005, Respondent disseminated a life insurance advertisement to approximately 18,000 residents in the greater Phoenix metropolitan area.

4. The advertisement contained the non-registered (dba) of Design Benefit Plans and failed to disclose that the product being offered was life insurance.

1 **CONCLUSIONS OF LAW**

2 1. The Director has jurisdiction over this matter.

3 2. Respondent's conduct as described above constitutes the direct dissemination
4 before the public of a circular acting as an advertisement containing statements with respect
5 to the business of insurance which are deceptive or misleading, within the meaning of
6 A.R.S. §20-444(A) and A.A.C. R20-6-202(C)(1)(a) & (D)(6)(b).

7 3. Respondent's conduct as described above constitutes the use of an assumed
8 business name without registering it with the Department as required by A.R.S. §20-297(A).

9 4. Respondent's conduct as described above constitutes the violation of any
10 provision of Title 20, or any rule, subpoena or order of the Director within the meaning of
11 A.R.S. §20-295(A) (2).

12 5. Grounds exist for the Director to suspend, revoke, or refuse to renew
13 Respondent's insurance licenses, impose a civil penalty, order restitution and/or order
14 Respondent to cease and desist pursuant to A.R.S. §§20-295(A), 20-295(F) and 20-295(G).


15
16 **ORDER**

17 IT IS HEREBY ORDERED THAT:

18 1. Respondent shall immediately cease and desist from making, publishing,
19 disseminating, circulating or placing before the public any advertisement or statement with
20 respect to the business of insurance which is untrue, deceptive or misleading.

21 2. Respondent shall pay a civil penalty of One Thousand dollars (\$1,000) to the
22 Director payable upon the entry of this Order for remission to the State Treasurer for deposit
23 in the State General Fund.

1 DATED AND EFFECTIVE this 29th day of March, 2005.

2 
3 CHRISTINA URIAS
4 Director of Insurance

5 **CONSENT TO ORDER**

6 1. Respondent has reviewed the foregoing Findings of Fact, Conclusions of Law
7 and Order.

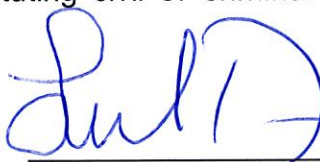
8 2. Respondent admits the jurisdiction of the Director of Insurance, State of
9 Arizona, and admits the foregoing Findings of Fact and consents to the entry of the foregoing
10 Conclusions of Law and Order.

11 3. Respondent is aware of his right to notice and a hearing at which he may be
12 represented by counsel, present evidence and examine witnesses. Respondent irrevocably
13 waives his right to such notice and hearing and to any court appeals relating to this Consent
14 Order.

15 4. Respondent states that no promise of any kind or nature whatsoever, except as
16 expressly contained in this Consent Order, was made to him to induce him to enter into this
17 Consent Order and that he has entered into this Consent Order voluntarily.

18 5. Respondent acknowledges that the acceptance of this Consent Order by the
19 Director is solely to settle this matter against him and does not preclude any other agency,
20 officer, or subdivision of this state from instituting civil or criminal proceedings as may be
21 appropriate now or in the future.

22 Date 3-14-05

23 
Luke Dale, License Number 12566

COPIES of the foregoing mailed/delivered
this 29th day of March, 2005, to:

Luke Dale
1776 E. Sierra Madre court
Gilbert, AZ 85296

Luke Dale (dba)
Design Benefit Plans
35 N. Alma School Rd., Suite 202
Mesa, AZ 85201

Gerrie L. Marks, Deputy Director
Catherine M. O'Neil, Consumer Legal Affairs Officer
Arnold Sniegowski, Investigations Supervisor
Bob Hill, Investigator
Department of Insurance
2910 North 44th Street, Suite 210
Phoenix, Arizona 85018


Curvey Walters Burton